

Notice of Allowability

Application No.

10/500,839

Examiner

Zachary C. Tucker

Applicant(s)

TERASHITA ET AL.

Art Unit

1624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 27 January 2006.
2. ☒ The allowed claim(s) is/are 13,14,17-20,24 and 25.
3. ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some* c) ☐ None of the:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☐ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



**ZACHARY C. TUCKER
PRIMARY EXAMINER**

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone conversation between the undersigned examiner and applicants' counsel, Christine C. O'Day, on 9 January 2007.

IN THE CLAIMS -

The claims have been amended as follows.

Claims 1 - 12 (Cancelled)

13. (Currently Amended) A prodrug ester of the compound according to claim 25 or a salt thereof.

14. (Previously Presented) A pharmaceutical composition comprising the compound according to claim 25 or a salt thereof and a pharmaceutically acceptable carrier, excipient or diluent.

15. (Cancelled)

16. (Cancelled)

17. (Currently Amended) The ~~agent for regressing, inhibiting progression of or stabilizing an arteriosclerotic lesion~~ pharmaceutical composition according to claim 16

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14, which is combined with a HMG-CoA reductase inhibitor.

18. (Previously Presented) A method for regressing a lipid-rich plaque or inhibiting ACAT in a mammal, which comprises administering an effective amount of the compound according to claim 25 or a salt thereof to the mammal.

19. (Currently Amended) A method for treating acute coronary syndrome, acute myocardial infarction, unstable angina, coronary artery restenosis after PTCA or stent placement, peripheral artery occlusion, hyperlipemia, ~~cerebral infarction~~, cerebral apoplexy, ~~Alzheimer's disease~~, multiple risk syndrome or metabolic syndrome, or regressing, inhibiting progression of or stabilizing an arteriosclerotic lesion in a mammal, which comprises administering an effective amount of the compound according to claim 25 or a salt thereof to the mammal.

20. (Previously Presented) The method for regressing, inhibiting progression of or stabilizing an arteriosclerotic lesion according to claim 19, which comprises administering the compound or a salt thereof in combination with a HMG-CoA reductase inhibitor.

Claims 21-23 (Cancelled)

24. (Previously Presented) A pharmaceutical composition comprising the compound according to claim 13 or a salt thereof and a pharmaceutically acceptable carrier, excipient or diluent.

25. (Previously Presented) (2E)-3-[5-[7-chloro-3-[2-[[2-(trifluoromethyl)phenyl]amino]-2-oxoethyl]-2-oxo-2H-chromen-4-yl]phenyl]acrylic acid or a salt thereof.

end of amendments



ZACHARY C. TUCKER
PRIMARY EXAMINER